

Patrick D. Robbins (State Bar No. 152288)  
Mikael A. Abye (State Bar No. 233458)  
Lisa M. Hathaway (State Bar No. 273050)  
SHEARMAN & STERLING LLP  
4 Embarcadero, Suite 3800  
San Francisco, CA 94105-2723  
Telephone: (415) 616-1100  
Facsimile: (415) 616-1199  
Email: [probbins@shearman.com](mailto:probbins@shearman.com)  
[mabye@shearman.com](mailto:mabye@shearman.com)  
[lisa.hathaway@shearman.com](mailto:lisa.hathaway@shearman.com)

Attorneys for Defendant Greg A. Cortez.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREG ANTHONY CORTEZ,

Defendant.

Case No.: CR 3-11-70346 JL

STIPULATION RE ALLOWING  
DEFENDANT ACCESS TO AUDIO  
DISCOVERY AND ~~PROPOSED~~  
ORDER

Defendant Greg A. Cortez, by and through his counsel, Patrick D. Robbins; and the United States, by and through its attorney, Derek Owens, Assistant United States Attorney, hereby stipulate and agree as follows:

1. The defendant in the above mentioned case is currently being detained at the Glenn E. Dyer Detention Facility (also known as the North Country Jail). The defendant may be transferred to the custody of other correctional institutions during the pendency of this case.

2. Counsel representing Mr. Cortez has received a series of 12 audio CDs containing MP3 audio files (the "MP3 Files") from the government as part of the discovery in this matter.

**FILED**

**JUL 15 2011**

**RICHARD W. WILKINS  
CLERK, U.S. DISTRICT COURT,  
NORTHERN DISTRICT OF CALIFORNIA**

1                   3.       In order to assist his counsel with the preparation of his defense, Mr. Cortez  
2 wishes to listen to and study the MP3 Files.

3  
4                   4.       Accordingly, the parties stipulate and respectfully request that the Court order  
5 that the Glenn E. Dyer Detention Facility and any other correctional institution that may now or in  
6 the future have custody over Mr. Cortez during the pendency of this case shall accept an MP3 player  
7 containing the MP3 Files, within the security regulation set by the facility for the MP3 players.

8  
9                   5.       It is further stipulated that Glenn E. Dyer Detention Facility and any other  
10 correctional institution that may now or in the future have custody over Mr. Cortez during the  
11 pendency of this case shall make the MP3 player available to the defendant at a reasonable time and  
12 in a reasonable manner, so that the defendant may listen to the MP3 Files, *subject to the*  
13 *facilities rules & regulations*

14 IT IS SO STIPULATED.

15 Dated: July 13, 2011

Respectfully submitted,

17 SHEARMAN & STERLING LLP  
18 Patrick D. Robbins  
19 Mikael A. Abye  
20 Lisa M. Hathaway

21 By: \_\_\_\_\_/s/  
22 Mikael A. Abye  
Attorney for Defendant Greg A. Cortez

23 Dated: July 13, 2011

Respectfully submitted,

25 By: \_\_\_\_\_/s/  
26 Derek Owens  
27 Assistant United States Attorney  
28

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED, *as amended*

Dated: July *15* 2011

  
United States Magistrate Judge  
*Timothy J Bommer*

1 ATTESTATION: Pursuant to General Order 45, Section X.B, I hereby attest that I have obtained  
2 written concurrence from Mr. Owens with regard to the filing of this document.

3 Dated: July 13, 2011

4 By:                     /s/                      
Mikael A. Abye